



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

212

CRM-M-3669-2026 (O&M)

Date of Decision:08.07.2026

Sanjay Kumar**.....Petitioner****Versus****Mamtesh****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present: Mr. Ashish Grewal, Advocate for the petitioner.

Mr. Aditya Narayan Arya Garg, Advocate for the respondent.

SURYA PARTAP SINGH, J. (Oral):

This is a petition seeking for anticipatory bail with regard to a case wherein cognizance has been taken by the learned trial Court on a complaint filed by the respondent. The above mentioned complaint has been filed for the commission of offence punishable under Sections 420, 467, 468, 471 and 120-B, read with Section 34, of Indian Penal Code.

2. In nut-shell the allegations contained in the above mentioned complaint are that respondent-complainant, hereinafter being referred to as 'respondent' only, was looking for the purchase of a house, and that in such endeavour the co-accused namely 'Jatinder' and 'Akshay' came in his contact and told her that one house situated at 'Professor Colony' was available for sale. According to complainant co-accused 'Jatinder Singh', the accused No.3, and 'Akshay Kumar, the accused no.4 called her to the above



mentioned house where 'Narender Kumar'-accused No.2 was present who introduced himself as husband of the owner of the above mentioned house.

3. It is the case of the respondent-complainant that once the deal between them matured for a sum of Rs.31,65,000/-, the above mentioned house was purchased and with regard to abovesaid sale, a sale deed was executed in favour of the respondent. The respondent further alleged that at the time of negotiations and execution of sale deed they were told that the property was free from all encumbrances, but later on she found that the property was mortgaged to the bank, and therefore, she approached 'Jatinder Singh' and 'Akshay Kumar' who told her that, in fact, the loan against the above mentioned house was not raised by 'Deepa Rani' and 'Narender Kumar', but by the previous owner. While claiming that the material facts were concealed at the time of execution of sale deed, the respondent sought action against the petitioner and other co-accused.

4. Heard.

5. It has been contended by learned counsel for the petitioner that petitioner is alien to the sale deed executed in favour of complainant-respondent, and that in fact, the petitioner had sold the property to 'Deepa Rani', who entered into deal for the sale of above mentioned property in favour of respondent-complainant. It has also been contended by learned counsel for the petitioner that although the petitioner has been declared a proclaimed offender, but the abovesaid order was passed when the present petition for anticipatory bail was pending in the Court. It has further been contended that the present case being a case instituted on a complaint (not on



police report), custodial interrogation of the petitioner is not possible, and that the entire evidence to be produced by the respondent-complainant is documentary in nature. It has also been contented that the petitioner has clean antecedents, and therefore, he is entitled to the concession of anticipatory bail.

6. The learned counsel for the respondent-complainant has controverted the above mentioned arguments. According to learned counsel for the respondent the present petition has been filed, while concealing the fact that warrant of arrest was issued against the petitioner by the learned trial Court. According to learned counsel for the respondent during the course of pendency of present petition, the petitioner has been declared a proclaimed offender, and therefore, he is not entitled to be benefit of bail. It has also been contended by learned counsel for the petitioner that the petitioner has played fraud by selling a property which was mortgaged with the bank, and that the action of the petitioner is responsible for the difficulty, in which the respondent has landed. While claiming that the offence committed by the petitioner is serious in nature, the learned counsel for the respondent-complainant has sought for dismissal of present petition.

7. The record has been perused carefully.

8. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. Those factors are:-

- i) that as per the allegations contained in the complaint the petitioner never entered into any deal with the complainant



nor made any representation, whatsoever (false or true) to the petitioner. Thus there is no privity of contract between the respondent-complainant and the petitioner;

- ii) that in the instant case the prosecution has been launched on the basis of a complaint filed by the respondent. Thus custodial interrogation is neither possible nor the same is likely to produce any favourable result. The entire evidence to be produced by the respondent is documentary in nature;
- iii) that at the time of filing of present petition, the petitioner was not a proclaimed offender. Although the above mentioned proceedings have taken place during the pendency of present petition, but in view of peculiar fact-situation of this case, there is no bar in entertaining the present petition for anticipatory bail;
- iv) that nothing has to be recovered from the possession of petitioner;
- v) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- vi) that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- vii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

9. If the cumulative effect of all the abovementioned factors,



involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of anticipatory bail, and that the present petition deserves to be allowed.

10. In view of above-mentioned discussions, the present petition is hereby **allowed**. It is hereby ordered that in the event of his arrest the petitioner shall be released on anticipatory bail on furnishing bonds subject to the satisfaction of arresting officer.

Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

08.07.2026
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No